



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 1092 (Patron—Jordan)

LD#: 25103906

Date: 12/23/2024

Topic: Disclosure of Address Confidentiality Program information

Fiscal Impact Summary:

<ul style="list-style-type: none"> • State Adult Correctional Facilities: None (\$0)* • Local Adult Correctional Facilities: None (\$0) • Adult Community Corrections Programs: None (\$0) 	<ul style="list-style-type: none"> • Juvenile Direct Care: Cannot be determined** • Juvenile Detention Facilities: Cannot be determined** <p style="text-align: center;">**Provided by the Department of Juvenile Justice</p>
--	---

* Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible (prison) beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends § 2.2-515.2, relating to the Address Confidentiality Program for victims of domestic violence, stalking, child abduction, human trafficking, or sexual violence, and expands the Program to include “covered employees.” A covered employee is defined as any individual, including a volunteer, who provides services at an organization whose main purpose is serving victims of the offenses identified above. The proposal expands the Program to include victims of human trafficking and requires the applicant to declare that they are not currently on bond with requirements to report their physical address to the courts.

The proposal explicitly states that any person who discloses a Program participant’s confidential address, or other confidential information, with intent to coerce, intimidate, or harass would be in violation of § 18.2-186.4. Under § 18.2-186.4, it is a Class 1 misdemeanor to publish a person’s name or photograph along with identifying information, such as his or her address, with the intent to coerce, intimidate, or harass that person. It is a Class 5 felony if the person whose information is published is a law enforcement officer, active or retired judge, or magistrate.¹

Analysis:

A review of fiscal year (FY) 2019 through FY2024 General District Court Case Management System (CMS) data revealed that 15 offenders were convicted of a Class 1 misdemeanor under § 18.2-186.4 for publishing identifying information with the intent to coerce, intimidate, or harass. Of the 15 defendants, 6 received a local-responsible (jail) term with a median sentence of 1.7 months, while the remaining 9

¹ Under current law, felony offense defined in § 18.2-186.4 is eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby offenders will serve a minimum of 67% of the sentence ordered by the court. The proposed legislation does not change the earned sentence credits available to offenders convicted under this section.

defendants were not given an active term of incarceration to serve after sentencing. Circuit Court CMS data for the same six-year period revealed one conviction for the Class 6 felony under §18.2-186.4, which applies when the victim is a law enforcement officer, judge, or magistrate. The defendant received a state-responsible (prison) sentence of 3.5 years.

Data are not sufficiently detailed to determine if any of the victims in the cases were participants, employees or volunteers in the Address Confidentiality Program.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal not expected to increase the state-responsible (prison) bed space needs of the Commonwealth. The felony currently defined in § 18.2-186.4 is only applicable when a person publishes the name and identifying information of a law enforcement officer, judge, or magistrate with the intent to coerce, intimidate, or harass, regardless of any affiliation with the Address Confidentiality Program.

Local adult correctional facilities. The proposal is not expected to increase local-responsible (jail) bed space needs. Under § 18.2-186.4, it currently a Class 1 misdemeanor for any person to publish another person's name or photograph along with his or her address or other identifying information with the intent to coerce, intimidate, or harass.

Adult community corrections resources. The proposal is not expected to impact state or local community corrections resources.

Virginia's Sentencing Guidelines. Convictions under § 18.2-186.4 are not covered by the Sentencing Guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the Guidelines recommendation (as an additional offense) if the most serious offense at sentencing is covered by the Guidelines. Felonies under § 18.2-186.4 are not defined as violent by § 17.1-805(C) for purposes of the Guidelines. No adjustment to the Guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

confidential04_3906